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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUDITH A. JELLINEK, individually,
PETER JELLINEK, individually,
LAUREN FLOWER, individually; and
THE ESTATE OF FRANK H.
JELLINEK, through co-executrix
Judith A. Jellinek,

Plaintiffs,

v.

JAXAIR, LLC; GOSHIP AIR, LLC;
THE ESTATE OF JOHN CHARLES
FRANCIS, through personal
representative Mary Marcella Francis;
THE ESTATE OF ANDY GARRETT;
COUNTY OF SAN DIEGO; UNITED
STATES OF AMERICA; and DOES 1
through 10, Inclusive,

Defendants.

CASE NO. 06-cv-2711-DMS (POR)

**DEFENDANT UNITED STATES
OF AMERICA'S EX PARTE
APPLICATION UNDER FED.
R. CIV. P. 6(b)(1)A)**

STEVEN SHAFRAN; and ANNE M.
SHAFRAN, a minor, by and through
her Guardian Ad Litem, JAY
SHAFRAN; MARGARET C.
SHAFRAN, a minor, by and through her
Guardian Ad Litem, JAY SHAFRAN;
REID J. SHAFRAN, a minor, by and
through his Guardian Ad Litem, JAY

CASE NO. 08CV0116 IEG NLS

Defendant United States of America's Ex Parte Application Under Fed. R. Civ. P. 6(b)
Case No. 06-cv-2711-DMS (POR)

1 SHAFRAN; ISABELLE B. SHAFRAN,)
 a minor, by and through her Guardian)
 2 Ad Litem, JAY SHAFRAN,)
)
 3 Plaintiffs,)
)
 4 v.)
)
 5 UNITED STATES OF AMERICA;)
 CESSNA AIRCRAFT COMPANY, a)
 6 corporation; and DOES 1 through 20,)
 inclusive,)
 7)
 Defendants.)
 8)

9 COMES NOW Defendant United States of America and respectfully requests relief
 10 under Fed. R. Civ. P. 6(b)(1)(A), noting that “[w]hen an act may or must be done within a
 11 specified time, the court may, for good cause, extend the time: (A) with or without motion
 12 or notice if . . . a request is made, before the original time or its extension expires.”

13 The United States’ Answer in *Shafraan, et al. v. United States, et al.*, Case No.
 14 08cv0116, is due April 1, 2008. The United States respectfully requests that time be
 15 extended for the reasons noted herein.

16 The United States is preparing to move to dismiss these consolidated matters. At
 17 the Chambers’ Rule 6(a) conference regarding that motion, held on March 25, 2008,
 18 various plaintiffs’ counsel requested time to amend their complaints to add the United
 19 States as a defendant. In recognition of that request, the Court’s March 27 Order notes
 20 that parties who have not sued the United States have until April 16 to do so, after which
 21 time the United States may move to dismiss the various cases under the rules.

22 The United States would prefer to file a single Motion to Dismiss applicable to all
 23 matters, and would be prepared to do so following amendments to complaints. The March
 24 27 Order, however, refers to the United States’ filing “motions” in “the consolidated
 25 actions.” If the Court prefers multiple individual motions, the United States will act
 26 accordingly; it is respectfully submitted, however, that a single motion addressing all
 27 allegations could be more efficient. In either event, we understand that the Court intends
 28

1 that the United States' motion, or motions, should be filed after the April 16 amendment
2 deadline, so that the Shafran responsive pleading date should be extended as well.

3 In addition, on March 27th our office received a copy of a third-party complaint
4 against the United States in California Superior Court in *Shafran, et al. v. Jaxair, et al.*,
5 Case No. 37-2007-00050767-CU-PO-NC. The United States intends to remove that
6 matter to federal district court, and will do so not later than the April 16, 2008 deadline set
7 by the Court for amendment of pending complaints. We expect that matter will be
8 consolidated for consideration with the currently pending federal cases.

9 To get all parties on the same briefing schedule, a goal expressed by some counsel
10 and we believe assented to by the Court, it is respectfully suggested that the United States'
11 time to answer or otherwise plead in the currently pending federal Shafran matter, Civ. No.
12 08cv0116, should be extended to coincide with the timing of the motion(s) to dismiss in all
13 the consolidated cases.

14 Dated: April 1, 2008

15
16 Respectfully submitted,

17 JEFFREY S. BUCHOLTZ
18 Acting Assistant Attorney General

19 KAREN P. HEWITT
20 United States Attorney

/s/ Peter F. Frost
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the United States' Ex Parte Application for Relief Under fed. R. Civ. P. 6(b)(1)(A) were sent electronically this 1st day of April, 2008, to the following counsel of record:

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